

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

02/26/2007 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR NO. 05-00210ACK

CASE NAME: United States of America Vs. Reinier L. A. Kraan, II

ATTYS FOR PLA: Michael Kawahara and ATF Agent-Charles Pang

ATTYS FOR DEFT: Richard D. Groinna

INTERPRETER:

JUDGE: Alan C. Kay

REPORTER: Cynthia Fazio

DATE: 02/26/2007

TIME: 1:39pm-2:39pm

COURT ACTION: EP: Sentence as to Counts 1, 2 and 3 of the Indictment-Defendant present in Custody.

Court accepts the Plea Agreement.

The Court adopts the presentence investigation report.

Defendant addresses the Court.

Government's Motion for Downward Departure-is hereby Granted.

Defendant's Motion for Downward Departure -is hereby Denied.

Supplemental Defendant's Motion for Downward Departure-is hereby Denied.

Sentence as to Counts 1, 2 and 3 of the Indictment-

Imprisonment-168 Months as to Count 1, 120 Months as to Count 2 and 12 Months as to Count 3, all terms to run concurrent and with terms imposed in Cr. No. 03-00366ACK and Cr. No. 98-00552ACK.

Mittimus Forthwith.

Court Recommendations- 1. Prison Facility in Phoenix, Arizona
2. Educational/Vocational Training Programs
3. Drug Treatment Program-Ardep

Supervised Release-5 Years as to Count 1, 3 Years as to Count 2 and 1 Year as to Count 3, all terms to run concurrent and with terms imposed in Cr. No. 03-00366ACK and Cr. No. 98-00552ACK.

Special Conditions of Supervised Release-

1. That the defendant shall abide by the standard conditions of supervision.
2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).
3. That the defendant not possess illegal controlled substances (mandatory condition)
4. That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
5. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the terms of supervision (mandatory condition).
6. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
8. That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
9. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

No Fine.

Special Assessment-\$225.00-(\$100 as to Counts 1 and 2 and \$25.00 as to Count 3)

Defendant advised of his right to Appeal.

Submitted by Leslie L. Sai, Courtroom Manager